

ZEICHNER ELLMAN & KRAUSE LLP

1211 AVENUE OF THE AMERICAS

NEW YORK, NEW YORK 10036

TEL: (212) 223-0400

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/13/2020

DIRECT DIAL
(212) 826-5313

bleinbach@zeklaw.com

WWW.ZEKLAW.COM

February 12, 2020

BY ECF

Hon. Lewis J. Liman, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

***Kelly Campbell Cornelius, on behalf of herself and all others similarly situated v.
Wells Fargo Bank, N.A., Case No. 1:19-cv-11043 (LJL) (SLC)***
**(Request to Adjourn Initial Pretrial Conference and to Set Briefing Schedule for Wells
Fargo's Motion to Dismiss or Compel Arbitration)**

Dear Judge Liman:

This firm represents defendant Wells Fargo Bank, N.A. ("Wells Fargo") in the above-referenced action. Pursuant to the Court's Individual Rules of Practice in Civil Cases, we respectfully request: (i) to adjourn the Initial Pretrial Conference in this case from February 21, 2020 to a date after the Court has ruled upon Wells Fargo's Motion (defined below); and (ii) to set a briefing schedule for Wells Fargo's Motion. This is Wells Fargo's first request to adjourn the Initial Pretrial Conference or set a briefing schedule for its Motion. Plaintiff consents to the requested extension and briefing schedule.

By her complaint, plaintiff alleges Wells Fargo improperly restrained the bank accounts of plaintiff and other similarly situated persons to facilitate the enforcement of default judgments in favor of non-party Northern Leasing Systems, Inc. and its affiliates ("Northern Leasing"). Plaintiff also alleges Wells Fargo conspired with Northern Leasing to enforce these default judgments because the default judgments were obtained based on certain Northern Leasing equipment leases that were assigned to Wells Fargo to secure a loan Wells Fargo made to Northern Leasing.

By Order dated December 12, 2019, the Court scheduled the Initial Pretrial Conference for February 21, 2020. [Docket No. 10.] Subsequently on January 2, 2020, the Court granted Wells Fargo's letter request on consent to extend its time to respond to plaintiff's complaint until February 17, 2020. [Docket No. 14.] On or before February 18, 2020, Wells Fargo intends to either move to dismiss plaintiff's complaint or compel arbitration (the "Motion"). As the pending motion could obviate or narrow discovery in this case, Wells Fargo seeks to adjourn the Initial

Hon. Lewis J. Liman, U.S.D.J.
February 12, 2020
Page 2

Pretrial Conference in the interest of judicial economy and in the interests of conserving the parties' resources.

Regarding the Motion, the parties have agreed upon the following briefing schedule: (i) Wells Fargo will file its moving papers on or before February 18, 2020¹; (ii) Plaintiff will file her opposition papers on or before March 19, 2020; and (iii) Wells Fargo will file its reply papers on or before April 2, 2020.

On February 7, 2020, I called plaintiff's counsel Phillip D. Barber, requesting the above-referenced adjournment of the Initial Pretrial Conference. On the same day, Phillip Barber consented to my request for the adjournment and asked to set a briefing schedule for the Motion, which the parties agreed upon.

Respectfully submitted,

/s/ Bryan D. Leinbach
Attorney for Defendant

cc: Richard A. Harpootlian, Esq. (by ECF)
Phillip D. Barber, Esq. (By ECF)
Attorneys for Plaintiff

Application to adjourn Initial Pretrial Conference ("IPTC") is GRANTED IN PART and DENIED IN PART. Before reviewing the motion papers, the Court is not prepared to presume that calendaring an IPTC for a date certain would be inefficient or inappropriate. Accordingly, the IPTC is ADJOURNED to April 9, 2020 at 2:00 p.m. The Court grants leave for the parties to file motion papers pursuant to the above-proposed schedule (Wells Fargo filing its moving papers on February 18, 2020; Plaintiff filing her opposition papers on or before March 19, 2020; Wells Fargo filing its reply papers on or before April 2, 2020.) If, after reviewing the papers, the Court determines that an IPTC would not be efficient or appropriate, the Court will adjourn the IPTC.

Date: 2/13/2020



LEWIS J. LIMAN
United States District Judge

¹ The briefing schedule reflects the fact that February 17, 2020 is President's Day, when both the Court and this firm's offices are closed.